

## **REMARKS**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Applicant has amended the title of invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is presented as a dependent claim i.e. "the device of claim..." but fails to include the claim number it depends from.

Applicant has amended claim 7 accordingly.

Claims 1, 5, 6, 10, 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Darby (US 2002/0006787).

Applicant has amended claim 1 to add elements from claim 2, 4 and 10, which the examiner has stated in this action is not taught by Darby. Therefore, amended claim 1 is not anticipated or obvious over Darby

As to claim 5, Darby's pocket concierge device fits inside a person's pockets.

*(Note that Darby's pocket concierge is implemented on a pocket pc as described in paragraphs 10 and 15. Note that of course, pocket PC's are designed to fit inside a person's pocket).*

For the reasons stated above for amended claim 1, claim 5 is not anticipated or obvious over Darby.

As to claim 6, Darby's device is password protected (*Darby describes the password protection feature in paragraph 27*).

For the reasons stated above for amended claim 1, claim 6 is not anticipated or obvious over Darby.

As to claim 10, Darby's device has stored in it numbers which would be of interest to a guest. Note that Darby's device is considered for use by hotels (Darby describes its use as a hotel room information appliance at the end of paragraph 31 and in paragraph 44. Darby teaches the pocket concierge being loaded with the internal phone directories in paragraph 45).

Claim 10 has been canceled and its features have been added to amended claim 1. Further, Darby does not describe in paragraph 31 and 44 that the device is used in hotels. Paragraph 31 states that the device can be used for hotel guestroom information, however it does not state that the device has stored in it all guest facility number that are of interest to a guest. Paragraph 44 just discusses the use of the device for leisure market segments. And finally paragraph 45 describes the use of the device for company employees, that the device can provide to the employees internal phone system directories, this is not the same as providing guest service facility numbers to a guest.

As to claim 13, Darby's device can track a person's whereabouts who has possession of said device (*Darby describes the location tracking capability in paragraphs 27 and 33*).

For the reasons stated above for amended claim 1, claim 13 is not anticipated or obvious over Darby.

As to claim 14, Darby's host computer system provides feedback to a user, in response to requests for services. (*Darby's host computer system, i.e. the software implemented call center agent as described in paragraph 31, provides real time responses to a user as described in paragraph 32. Note that the user can also be provided direct sales service as described in paragraph 36*).

For the reasons stated above for amended claim 1, claim 14 is not anticipated or obvious over Darby.

As to claim 16, Darby's device provides real-time requests for services (*Darby's device can provide real time requests for information as described in paragraphs 31 and 32, and provides direct sales service as described in paragraph 36*).

For the reasons stated above for amended claim 1, claim 16 is not anticipated or obvious over Darby.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Paleiov et al (US 6,560,320).

Consider claim 2, note that Darby's device includes an earpiece (*Darby teaches a speaker earpiece in paragraph 15*) and display panel (*Darby teaches a touch sensitive display in paragraph 15*). Darby lacks a teaching of the display panel being customizable and the device including a stylus. In a similar application arrangement of providing an interactive display unit for telephone services, Paleiov teaches customizable keys (*Paleiov see especially the user display shown in figure 1, as item 38,*

*Paleiov describes the use of custom graphic keys in column 6, lines 15-20 and 55-65).*

Paleiov notes that the custom display allows service providers to better construct the graphic applications, allowing for faster more efficient service with enhanced functionality (*Paleiov teaches the advantages of the custom graphic keys providing faster more efficient service with enhanced functionality on column 2, lines 26-45*). It would have been obvious to one of ordinary skill in the art to modify Darby to provide customizable keys in order to allow the service provider to better construct the graphic applications allowing for faster more efficient service with enhanced functionality as taught by Paleiov. Darby lacks a teaching of the device including a stylus. Note that Paleiov also teaches use of a stylus (*Paleiov see especially column 6, lines 45-55*). It would have been obvious to one of ordinary skill in the art to modify Darby to use a stylus as taught by Paleiov in order to allow the users of the device to more easily pick out the touch sensitive keys.

Applicant has cancelled claim 2 and added its elements to amended claim 1.

Paleiov in column 6 lines 6-20 describes a display on the telephone and in column 6 lines 55-65 describes a memory box. Neither of these describe custom graphic keys or a customizable key pad as required by amended claim 1. Further, col 2 lines 26-45 describe using a current telephone system having no modification used to design certain screens. This is not what is described in amended claim 1 therefore amended claim 1 is not obvious over Darby in view of Paleiov.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Shaffer et al (US 6,377,798).

Consider claim 3, Darby lacks a teaching of the mobile telephone device including a pager. Shaffer teaches a mobile telephone including a pager (*Shaffer shows the combined pager and cellular phone in Figure 2, and describes it in column 2, lines 58-65*). Shaffer teaches that pagers provide mobile communication at lower cost, while using less power than the mobile phone (*Shaffer column 1, lines 10-15*). It would have been obvious to one of ordinary skill in the art to modify the device of Darby to include a pager in order to provide mobile communication at lower cost and lower power consumption, as taught by Shaffer.

For the reasons stated above for amend claim 1, claim 3 is not obvious over Darby in review of Shaffer.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Irizarry (US 6,785,566).

Consider claim 4. Darby lacks a teaching of the device being waterproof. Irizarry teaches a waterproof case for a cellular telephone (*Irizarry shows the waterproof case in figure 4 and describes it in column 3, lines 15-65*). Irizarry teaches the case will prevent damage to the phone even during a drop into water (*Irizarry describes the advantages of the waterproof case on column 2, lines 1-25*). It would have been obvious to one of ordinary skill in the art to modify Darby to provide a waterproof case for the device in order prevent water damage even if the device were

dropped into water as taught by Irizarry. Note that a case that would prevent entry of liquid would also prevent sand particles from intruding into and damaging the device.

Irizarry teaches a cellular telephone case. The present invention specifically states in claim 4 that the device itself is waterproof and sand proof. Irizarry specifically must teach a device which is not waterproof or sand proof, since it specifically provides a case which provides these attributes for the device. For these reasons and the reasons stated above for amended claim 1, claim 4 is not obvious over Darby in view of Irizarry.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Hase (US 2002/0183078).

Consider claim 7, Darby fails to teach the device wherein a user's room key functions as an access code to said device. Hase teaches a hand held communicator unit with an ID card functioning as an access code to the device. (*Hase shows the device as a cardholder in figure 2, and in paragraph 36, describes the communication functions of the holder. In paragraph 33, Hase notes that the ID card could be a hotel guest's room key card. Hase describes the use of the ID or room key card to activate the communication device in paragraph 37*). It would have been obvious to one of ordinary skill in the art to modify Darby to include a storage area for a user's room key as taught by Hase in order to provide the user with a place to keep their room key as well as the security of only allowing use with an appropriately coded ID or room card.

Claim 7 requires that the users room key function as an access code to the device. Paragraph 33 of Hase describes an ID card holder into which an ID card

containing a unique ID is stored. The wireless controller controls wireless communication based on ID information read from the ID card in the cardholder.

Paragraph 33 states that the ID cards can be used in hotels as electronic keys for guest room or to operate telephones in room or in a lobby or to make payments. Further paragraph 37 states that the ID card can be used to perform communications for an employee.

Hase does not teach using a room key as an access code to the device. Although a hotel is described as a use for the card it is not used as an access code device for a hotel. Further, there is no reason to combine Hase with Darby for this reason and the reasons stated above for amended claim 1, claim 7 is not obvious over Darby in view of Hase.

Consider claim 8, Darby fails to teach the device comprising a storage area for a user's room key. Hase teaches a hand held communicator unit with a storage area for a room key card. (*Hase shows the cardholder in figure 2, and in paragraph 36, describes the communication functions of the holder. In paragraph 33, Hase notes that the ID card could be a hotel guest's room key card*). Hase also teaches that the ID card being held is used as the access code to use the wireless device (*Hase describes the use of the ID or room key card to activate the communication device in paragraph 37*). It would have been obvious to one of ordinary skill in the art to modify Darby to include a storage area for a user's room key in order to provide the user with a place to keep their room key while also providing the added security of only allowing use of the device with an appropriately coded ID or room card as taught by Hase.

Hase does not teach the device having a storage area for a user's room key. Hase specifically teaches other uses for the room key card as stated above, and does not state that the device can comprise a storage area for a room key. For this reason and the reasons stated above for amended claim 1, claim 8 is not obvious over Darby in view of Hase.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Haraguchi et al (US 4,979,205).

Consider claim 9. Darby lacks a teaching of the device being rechargeable. Haraguchi teaches a well-known type of wireless telephone unit with a rechargeable battery (*Haraguchi shows the cordless unit as item 1 in figure 1 and 6, with the charger built into the base shown as item 2 in figures 1 and 6, and described the use in column 8, lines 53-59*). Haraguchi notes that use of a rechargeable battery lowers the cost of operation over ordinary batteries (*Haraguchi describes the cost benefit of rechargeable batteries in column 8, lines 45-54*). It would have been obvious to one of ordinary skill in the art to modify the wireless telephone of Darby to use rechargeable batteries thereby lowering the cost of operation over ordinary replaceable batteries as taught by Haraguchi.

Haraguchi teaches a cordless telephone having a rechargeable battery. There is no teaching in Darby or Haraguchi to combine these references. For this reason and the reasons stated above for claim 1, claim 9 is not obvious over Darby in view of Haraguchi.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Roeder (US 2002/0111176).

Consider claim 11, Darby lacks a teaching of transferring all calls of a guest from a room phone to said device. Roeder teaches the it is well known to transfer phone call from one phone to another such as a mobile phone (*Roeder describes the well know call forwarding process in paragraph 3. Note that Roeder teaches that the stationary phone could be an internal PBX extension that had its calls forwarded to a mobile device in paragraph 59. Roeder notes that it is advantageous to transfer calls from a stationary phone to a mobile phone when a user is away from the stationary phone in paragraph 12.*) It would have been obvious to one of ordinary skill in the art to modify the arrangement of Darby to forward calls from a stationary phone, including an internal PBX extension, such as a hotel room phone to the mobile in order to ensure that the user did not miss calls when they were away from the stationary phone as taught by Roeder.

Roeder relates to a system and method for call forwarding. Darby although it teaches using the device with businesses and other establishments, there is no mention of using the device for forwarding calls. Further, it would not be obvious to use the device described in Claim 11 for call forwarding, as every time a guest would leave and another guest would check in, the call forwarding would change to the new guest. Therefore, for these reasons and the reasons stated above, claim 11 is not obvious over Darby in view of Roeder.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darby in view of Pepe et al (US 5,742,668).

Consider claim 12, Darby lacks a teaching of forwarding emails to the mobile device. Pepe teaches transferring emails from a user home account to a wireless device (*Pepe teaches forwarding of emails to the wireless device in column 23, lines 46-63. Pepe teaches that this is advantageous for users who need to receive emails on their wireless at a visiting location in column 3, lines 20-30*). It would have been obvious to one of ordinary skill in the art to modify Darby to forward emails to the mobile device in order to meet the needs of users who desire to receive emails on their mobiles as taught by Pepe.

Pepe teaches an electronic messaging network wherein a user can transfer e-mails from a home account to a wireless device. In the present invention, the circumstances are very different because the wireless device being used is only used temporarily during the person's stay in the hotel and after that the e-mails must stop being sent to the device because a new user at that point retains the device. Further, there is no reason or teaching to combine Darby and Pepe. For this reason and the reasons stated above for amended claim 1, claim 12 is not obvious over Darby in view of Pepe.



JUN 13 2006

Applicant believes that the application is now in condition for allowance.

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Date of Deposit: June 13, 2006

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June 13, 2006

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